

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO.7877 OF 2005

Harishchandra Narayandas Agarwal.. Applicant

Versus

State of Maharashtra .. Respondent

Mr.R.G.Deshpande for applicant

Mr.R.Y.Mirza, A.P.P. for State.

CORAM : S.C.DHARMADHIKARI, J.

DATE : 19th December 2005.

P.C.

. Heard Mr.Deshpande for applicant and
Mr.Mirza, A.P.P. for State. Perused the
affidavit of one Narayan Deviram Agarwal,

Municipal Licence (exh.B) and the deed of assignment dated 28th November 2003, under which Shop No.25 has been assigned by the applicant in favour of complainant. After perusal of this material, it is clear that the dispute is as to whether 70 sft. of the premises are being assigned or any other portion, according to rival contentions. Once applicant has placed complainant in possession and the dispute pertains to obligation under the deed of assignment, in my view, the custodial interrogation of applicant is not necessary. Applicant who is 61 year old person has no criminal antecedents and prima facie, there is substance in his contention that on account of the demand for payment of balance sum under the deed of assignment, that complainant has taken recourse to criminal proceedings. In the light of aforesaid following order:-

- i) In the event of the arrest of the

applicant in connection with M.E. C.R.No.3 of 2005 registered with Shivaji Park Police Station, the applicant shall be enlarged on bail in the sum of Rs.10,000/- with one surety in the like amount.

ii) Applicant shall attend Shivaji Park Police Station as and when summoned.

iii) Bail is granted subject to condition that the applicant shall not, directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of accusation against him so as to dissuade him from disclosing such facts to the Court or to the Police Officer/ Investigating agency. Applicant shall not tamper with the prosecution evidence.

iv) Any observation made in this order shall not be construed as any finding or any expression of opinion on merits of the case at the time of trial.

v) This order will enure to the benefit of the applicant only till charge sheet is filed. Thereafter he will be free to apply to the appropriate court for appropriate relief.

vi) Application disposed of.

vii) Parties to act on an authenticated copy of this order.

(S.C.DHARMADHIKARI, J)